

## Message Text

UNCLASSIFIED

PAGE 01 STATE 071466  
ORIGIN SCSE-00

INFO OCT-01 AF-08 ISO-00 L-03 H-02 SCA-01 PPTE-00  
/015 R

DRAFTED BY SCA:SCS:EMARNOLD:GJL  
APPROVED BY SCA:SCS:AFFOWLER  
SCA:SCS:EPOWERS

-----010413Z 120221 /20

P 311955Z MAR 77  
FM SECSTATE WASHDC  
TO AMEMBASSY VICTORIA PRIORITY  
INFO AMCONSUL EDINBURGH PRIORITY

UNCLAS STATE 071466

E.O. 11652:N/A

TAGS:CDES, SL (WRTGHT, JAMES ALLEN)

SUBJECT:NOK AND DISPOSITION OF ESTATE

REF: VICTORIA 151; STATE 065926 AND EDINBURGH 057

1. SUMMARY: DEPT IS OF OPINION THAT CONOFF MAY NOT ACT AS ADMINISTRATOR AND SHOULD LET LOCAL AUTHORITIES HANDLE THE ESTATE AND THE CHILDREN, IF WILL AND EXECUTOR NOT LOCATED IN VERY NEAR FUTURE AND BROTHER IN SCOTLAND NOT INTERESTED IN APPOINTMENT BY SEYCHELLES COURT.END SUMMARY.

2. UNDER PROVISIONS 22 USC 1175 CONSULAR OFFICER IS PROVISIONAL CONSERVATOR OF PERSONAL ESTATE ONLY (22 CFR 72.16, 72.28). IF NO PERSON QUALIFYING AS LEGAL CLAIMANT (7 FAM 444.2-4, 22 CFR 72.18) IS PRESENT IN THE COUNTRY AT THE TIME OF DEATH, AS PROVISIONAL CONSERVATOR CONOFF TAKES POSSESSION OF PERSONAL ESTATE AND SAFEGUARDS OTHER PROPERTY UNTIL IT CAN BE TURNED OVER TO A PROPERLY DOCU-  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 071466

MENTED LEGAL CLAIMANT. CONOFFS CAN CARRY OUT DUTIES AND RESPONSIBILITIES ONLY INsofar AS PERMITTED BY LOCAL LAW. CONSULAR OFFICER MAY NOT RPT NOT ACT AS ADMINISTRATOR OF ESTATE (22 CFR 72.40).

3. ASSUMING LEGITIMATED CHILDREN ARE STILL MINORS AND NO LEGAL REP. WAS PRESENT, CIRCUMSTANCES OF WRIGHT'S DEATH

WOULD HAVE REQUIRED ONLY THAT CONOFF NOTIFY NEXT OF KIN AND ASK FORMER WIFE TO TURN OVER WRIGHT'S PERSONAL EFFECTS FOR LAWFUL DISTRIBUTION. HAD SHE REFUSED, CONOFF COULD CLAIM ONLY US PPT AS PROPERTY US GOVT. IT WAS NOT RPT NOT NECESSARY TO INVENTORY HOUSEHOLD GOODS UNDER THE CIRCUMSTANCES. EX-WIFE AND CHILDREN OBVIOUSLY LIVED IN WRIGHT'S HOUSE WITH HIS KNOWLEDGE AND CONSENT AND IT WOULD APPEAR THAT THEY CAN CONTINUE TO DO SO UNTIL A PROPERLY DOCUMENTED EXECUTOR OR ADMINISTRATOR ASSUMES RESPONSIBILITY FOR ESTATE AND DECIDES OTHERWISE.

4. RE BANK ACCOUNTS: THERE IS NO EXPRESS PROVISION OF US LAW AUTHORIZING CONOFF TO WITHDRAW OR OTHERWISE DISPOSE OF BANK ACCOUNTS IN FOREIGN COUNTRIES LEFT BY DECEASED US CITIZENS. SUCH DEPOSITS THEREFORE ARE CONSIDERED AS FORMING NO PART RPT NO PART OF THE PERSONAL ESTATE OF A DECEDENT (22 USC 72.30, 7 FAM 445.1-3). IT IS NOT CLEAR FROM POST'S CABLES WHY OR UNDER WHAT PROVISION OF LAW CONOFF WITHDREW FUNDS FROM WRIGHT'S ACCOUNTS.

5. RE LOCATION NOK: DEPT HAS THUS FAR BEEN UNABLE LOCATE EITHER SON, DAVID WRIGHT, OR JOHN COLLIE. DEPENDING UPON WHAT SEYCHELLES LAW OF INTESTACY PROVIDES WITH RESPECT TO DESCENT AND DISTRIBUTION AND INHERITANCE RIGHTS OF LEGITIMATED CHILDREN AND SIBLINGS, IT WOULD APPEAR THAT SON, DAVID, AND LEGITIMATED CHILDREN, JAMES AND ROBERT MARENGO, WOULD INHERIT BEFORE BROTHER IN SCOTLAND.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 071466

6. RE CHILDREN'S WELFARE: DEPT APPRECIATES CONSULS CONCERN OVER CHILDREN'S WELFARE, BUT CONOFF HAS NO AUTHORITY UNDER AMERICAN LAW TO ACT IN THEIR BEHALF. ALTHOUGH POST REPORTED CHILDREN HAD BEEN LEGITIMATED UNDER SEYCHELLES LAW, POST'S CABLES THUS FAR HAVE NOT INDICATED WHETHER JAMES AND ROBERT MARENGO'S POSSIBLE CLAIM TO US CITIZENSHIP HAS EVER BEEN ADJUDICATED AND WHETHER THEY WERE EVER DOCUMENTED AS US CITIZENS. PASSPORT OFFICE HAS NO RPT NO RECORD ISSUANCE CITIZENSHIP DOCUMENTATION TO MINOR CHILDREN UNDER THESE NAMES DURING PAST THREE YEARS. HOWEVER, WHETHER OR NOT CHILDREN DOCUMENTED AS USC'S, THEY ARE AT MOST DUAL NATIONALS, THEIR OTHER NATIONALITY BEING SEYCHELLOISE. CONOFF SHOULD KEEP IN MIND THEREFORE THAT CHILDREN ARE SEYCHELLES CITIZENS RESIDING IN SEYCHELLES WITH THEIR NATURAL MOTHER, ALSO A SEYCHELLES CITIZEN. UNDER THESE CIRCUMSTANCES CONOFF SHOULD NOT RPT NOT MAKE DEMARCHE ABOUT THEIR CITIZENSHIP

WITH RESPECT TO LOCAL AUTHORITIES TAKING APPROPRIATE

ACTION RE THE CHILDREN'S WELFARE. US CONOFF IS NOT RPT NOT RESPONSIBLE FOR WELFARE THESE CHILDREN IN SEYCHELLES EVEN THOUGH THEY MIGHT POSSESS US CITIZENSHIP. THEIR WELFARE IS MATTER FOR CONCERN TO MOTHER AND LOCAL WELFARE AUTHORITIES AND CONOFF SHOULD NOT RPT NOT REQUEST THAT THEY BE TAKEN FROM MOTHER AND PLACED UNDER CARE WELFARE AUTHORITIES, NOR MAKE REQUESTS OR ISSUE INSTRUCTIONS RE CHILDREN TO LOCAL AUTHORITIES.

7. RE PARA 1 VICTORIA REFTEL: CONOFF SHOULD NOT RPT NOT PUT PRESSURE ON BROTHER IN SCOTLAND TO ASSUME RESPONSIBILITY. EVEN IF BROTHER WILLING TO APPLY FOR LETTERS OF ADMINISTRATION AND TRAVEL TO SEYCHELLES AT HIS OWN EXPENSE, IT APPEARS THAT IT WOULD BE NECESSARY TO RETAIN LEGAL COUNSEL IN SEYCHELLES TO HANDLE DISPOSITION OF REAL PROPERTY. AS CONOFF'S CHIEF (UNOFFICIAL) CONCERN APPEARS TO BE TO PROTECT THE ASSETS OF ESTATE FOR UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 071466

CHILDREN, IT MIGHT PROVE LESS EXPENSIVE TO ALLOW LOCAL AUTHORITIES TO APPOINT A PUBLIC ADMINISTRATOR TO SETTLE THE MATTER OF THE ESTATE AND THE CHILDREN IN ACCORDANCE SEYCHELLES LAW.

8. RE THE HOUSE, PARA 3 VICTORIA REFTEL: THE CONSULAR OFFICER HAS NO AUTHORITY IN SEYCHELLES TO ORDER EX-WIFE OUT OF WRIGHT'S HOUSE; THAT IS MATTER TO BE RESOLVED BY PROPERLY DOCUMENTED EXECUTOR OR ADMINISTRATOR OF ESTATE OR LOCAL AUTHORITIES. WHILE CONSULAR OFFICER MIGHT INFORMALLY SUGGEST TO PROPERLY DOCUMENTED EXECUTOR OF ADMINISTRATOR THAT USC WRIGHT'S HOUSE BE SOLD AND PROCEEDS SET UP LOCALLY IN TRUST FOR MARENGO CHILDREN, CONOFF HAS NO AUTHORITY UNDER US OR LOCAL LAW TO TAKE SUCH ACTION HIMSELF.

9. DEPT DOES NOT OBJECT TO HAVING EDINBURGH INFORM BROTHER RE SITUATION IN VICTORIA RE CHILDREN, PROPERTY, ETC., BUT NO RPT NO PRESSURE SHOULD BE BROUGHT ON HIM TO ASSUME RESPONSIBILITY. BROTHER SHOULD MAKE HIS OWN DECISION AS TO WHETHER HE WISHES TO BECOME INVOLVED. HE SHOULD BE INFORMED THAT IT IS DEPT'S OPINION THAT WELFARE OF CHILDREN IS RESPONSIBILITY OF MOTHER AND LOCAL WELFARE AUTHORITIES. HE SHOULD ALSO BE MADE AWARE CONTENTS OF PARA 4 VICTORIA REFTEL RE WILLINGNESS LOCAL CURATOR OF ESTATES TO REQUEST THAT COURT APPOINT SOMEONE TO HANDLE ESTATE. EDINBURGH SHOULD MAKE CLEAR TO BROTHER THAT DECISION AS TO WHETHER HE WISHES TO ACCEPT APPOINTMENT BY COURT SHOULD BE HIS ALONE.  
CHRISTOPHER

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 31-Mar-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01-Jan-1960 12:00:00 am  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977STATE071466  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** SCS:EMARNOLD:GJL  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770111-0675  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t1977031/aaaaaatf.tel  
**Line Count:** 169  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 058c07ac-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN SCSE  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 VICTORIA 151, 77 STATE 65926, 77 EDINBURGH 57  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 24-Jan-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2932818  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** NOK AND DISPOSITION OF ESTATE  
**TAGS:** CDES, SL, (WRTGHT, JAMES ALLEN)  
**To:** VICTORIA  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/058c07ac-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009